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## RECENT IMPORTANT DECISIONS.

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**ACTIONS—MOOT QUESTIONS NOT DECIDED.**—Complainant's interest in a lot under a will was sold to satisfy a judgment against him and the defendant became the purchaser at a sheriff's sale. The defendant thereafter agreed to reconvey to the complainant, for a certain sum within two years, which complainant has not offered to pay. *Held* that the court will not decide, in an action to have a trustee appointed and the premises sold, what interest complainant took therein under the will; that being a moot question; as the complainant has no present interest therein. *Lonergan v. Goodman et al.*, (1909), — Ill. —, 89 N. E. 349.

The grantor in a trust deed has no right to maintain an action merely to obtain a construction of the deed. That privilege is confined to the trustee or those claiming under the trust and requiring that it be executed. *Levy v. Hart*, 54 Barb. 248. An action brought for the mere purpose of obtaining the opinion of the court upon the construction of a will cannot be maintained in cases where no trust is involved. *Collins v. Collins*, 19 Ohio St. 468. Where plaintiff files a petition alleging that defendant is in the possession of certain lands which plaintiff claims and that defendant has no title or right to possession, but asks no decree save that the court declare the legal rights of the parties, a demurrer should be sustained. *Southern Ry. Co. v. State*, 116 Ga. 276, 42 S. E. 508. An insurance company has no authority to institute a suit for the purpose of obtaining a construction of the obligations of its members, *In re Hurst Home Ins. Co.*, 23 Ky. Law Rep. 940, 64 S. W. 512. Courts will not construe contracts until actual issues have arisen from them. *New Orleans & N. W. Ry. Co. v. Linehan Ferry Co.*, 104 La. 53, 28 So. 840. But when the condition of a person, the thing called status, is a matter of public concern, it is a proper object to be dealt with by a direct proceeding in any tribunal having jurisdiction of the res, which would apply to the status of a college regulated by the legislature. *State ex rel. Milwaukee Medical College v. Chittenden et al.*, 127 Wis. 468, 107 N. W. 500. Where a party boards a car, tenders a certain fare and on refusing to pay more is ejected, an action by him is not a moot case, which the court will refuse to entertain, though the parties' sole motive was to make a test case. *Adams v. Union Ry. Co.*, 21 R. I. 134, 42 Atl. 515, 44 L. R. A. 273.

**AUTOMOBILES—DANGEROUS MACHINES—LIABILITY OF OWNERS FOR MISUSE.**—Defendant's chauffeur while driving defendant's car on a pleasure trip with his own friends, with defendant's consent, so carelessly and negligently managed the car as to strike a carriage and overturn it, thereby throwing to the ground and severely injuring the plaintiff who was driving the carriage. *Held*, that the evident conception of the legislature in creating the restrictions of the motor vehicle law, was that the automobile is a dangerous machine and that the owner should be subject to the law relating to dangerous